

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

CIVIL BENCH TRIAL

Owner-Operator Independent Drivers Association,
et al.,

Plaintiffs,

COURT MINUTES
Case Number: CV. 09-1116 DWF/RLE

Mark Dunaski, et al.,

Defendants.

Date: September 13, 2010
Court Reporters: Jeanne Anderson
Carla Bebault
Time Commenced: 9:07 a.m. / 1:45 p.m.
Time Concluded: 12:30 p.m. / 5:32 p.m.
Time in Court: 7 Hours & 10 Minutes

Trial before Donovan W. Frank, United States District Judge, at St. Paul, Minnesota.

APPEARANCES:

For Plaintiff: Paul Cullen, Sr., Paul Cullen, Jr., Daniel Cohen, James Johnston, Albert Goins
For Defendant: Marsha Eldot, Devine, Thomas Vasley

PROCEEDINGS:

- Jury Selection.**
- BENCH Trial - Began.**
- BENCH Trial - Ended**
- Jury impaneled (File list of jurors).
- Opening statements.
- BENCH Trial Held.**
- Trial continued to September 14, 2010.
- Plaintiff's witnesses: James Johnston, Stephen House
- Defendant's witnesses:
- Plaintiff rests. Defendant rests.
- Closing arguments.
- Jury received case at.
- Jury resumed deliberations on.
- Jury returned at without verdict. IT IS ORDERED: to separate and to return and resume deliberations on.

- Verdict Rec'd at for:
 - Plaintiff
 - Defendant

- Court's Ruling:
 - Judgment in favor of Plaintiff.
 - Judgment in favor of Defendant.

IT IS ORDERED:

- Oral motion to dismiss for judgment as a matter of law.
- Clerk to file Verdict and enter Judgment.
- Clerk to file Verdict, but withhold entry of Judgment until further order.
- Clerk to file Order.
- Clerk to file Order and enter Judgment.
- Clerk to enter Judgment.
- Written order forthcoming.
- Case submitted.

CLERK'S USE ONLY:

- Number of trial days with evidence - .
- Exhibits returned to counsel or parties.

s/B. Schaffer
Signature of Calandar Clerk